

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

FRANK PIZZONIA,

Defendant.

20-CR-645-05 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

In the course of evaluating the pending motions filed by defendant Frank Pizzonia, the Court has determined that Pizzonia's challenge to the warrant authorizing the collection of his prospective location information over a period of 45 days raises non-trivial questions as to both justifications asserted by the Government in seeking the warrant before Magistrate Judge Freeman: that it would (1) yield evidence of a crime and (2) facilitate Pizzonia's arrest. Before resolving these questions and preparing and issuing a decision, the Court asks the Government promptly to determine and notify the Court and the defense whether it intends to reserve the right to offer the fruits of this warrant at Pizzonia's trial or is prepared to moot Pizzonia's challenge by committing not do so.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: October 28, 2021
New York, New York